

CUAUHTEMOC ORTEGA (Bar No. 257443)

Federal Public Defender

JULIA DEIXLER (Bar No. 301954)

(E-Mail: julia_deixler@fd.org)

ERIN M. MURPHY (Bar No. 285087)

(E-Mail: erin_murphy@fd.org.org)

Deputy Federal Public Defenders

321 East 2nd Street

Los Angeles, California 90012-4202

Telephone: (213) 894-2854

Facsimile: (213) 894-0081

Attorneys for Defendant

ROBERT RUNDO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT RUNDO,

Defendant.

Case No. CR 18-759-CJC

UNOPPOSED *EX PARTE*
APPLICATION TO FILE UNDER
SEAL EXHIBITS A AND B TO
REPLY IN SUPPORT OF
DEFENDANT ROBERT RUNDO'S
REPLY MOTION TO DISMISS FOR
SELECTIVE PROSECUTION;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION
OF COUNSEL

1 Robert Rundo, through his counsel of record, Deputy Federal Public Defenders
2 Julia Deixler and Erin M. Murphy, hereby applies *ex parte* to this Court for an order that
3 “Exhibits A and B to the Reply in Support of Defendant Robert Rundo’s Motion to
4 Dismiss for Selective Prosecution,” which are lodged herewith, be filed under seal.
5

6 Respectfully submitted,
7 CUAUHTEMOC ORTEGA
8 Federal Public Defender

9 DATED: February 12, 2024

By /s/ Erin M. Murphy

10 ERIN M. MURPHY
11 JULIA DEIXLER
12 Deputy Federal Public Defenders
13 Attorneys for ROBERT RUNDO
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MEMORANDUM OF POINTS AND AUTHORITIES

A court has supervisory powers over its records and files to seal documents under appropriate circumstances. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987). Federal Rule of Criminal Procedure 49.1 provides that a party may request that documents be filed under seal.

Mr. Rundo is seeking to file exhibits to his Reply in support of the Motion to Dismiss for Selective Prosecution (“Reply”) under seal. The exhibits contain materials that are subject to the protective order, which restricts the filing of those materials, and any reference to those materials in pleadings. (*See* Prot. Order, ECF No. 75 at 5, ¶5.) Accordingly, Mr. Rundo seeks to present Exhibits A and B to the Reply in Support of Defendant Robert Rundo’s Motion to Dismiss for Selective Prosecution this Court under seal.

The government does not oppose this request.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: February 12, 2024

By /s/ Erin M. Murphy

ERIN M. MURPHY
JULIA DEIXLER
Deputy Federal Public Defenders
Attorneys for ROBERT RUNDO

DECLARATION OF ERIN MURPHY

I, Erin Murphy, hereby state and declare as follows:

1. I am an attorney in the Office of the Federal Public Defender in the Central District of California appointed to represent defendant Robert Rundo in *United States v. Robert Rundo, et al.*, 18-CR-759-CJC.

2. The documents lodged herewith, Exhibits A and B to Reply in Support of Defendant Robert Rundo's Motion to Dismiss for Selective Prosecution ("Reply") contain materials produced in discovery that are subject to the protective order entered in this case. Accordingly, I seek to file these exhibits under seal.

3. The government has no opposition to this *ex parte* application.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: February 12, 2024

/s/ Erin M. Murphy

ERIN M. MURPHY

Deputy Federal Public Defender